

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kelliher, et al.
Serial No.: Not Yet Assigned
Filed: Herewith
For: MONITORING SYSTEM AND METHOD BASED ON
INFORMATION PRIOR TO THE POINT OF SALE
Art Unit: Not Yet Assigned
Examiner: Not Yet Assigned

Attorney Docket No.: 133690
Customer No.: 27623

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

In accordance with applicant's duty of disclosure under 37 C.F.R. §1.56, please find attached hereto form PTO-1449 listing information which may be material to the patentability of this application, filed concurrently herewith. This Information Disclosure Statement is being filed:

- ☒ Within three (3) months of the filing date of the national application;
- ☐ Within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application;
- ☐ Before the mailing date of a first Office Action on the merits;
- ☐ After the filing date or date of first Office Action, but before the mailing date of a final action under 37 C.F.R. §1.113, provided that this occurs prior to the issuance of a Notice of Allowance and provided that this I.D.S. is accompanied by either a certification as specified in 37 C.F.R. §1.97(e) or the fee set forth in 37 C.F.R. §1.17(p);

- _____ After the filing date or date of first Office Action, but before the mailing date of a Notice of Allowance under 37 C.F.R. §1.311, provided that this occurs prior to the final action and provided that this I.D.S. is accompanied by either a certification as specified in 37 C.F.R. §1.97(e) or the fee set forth in 37 C.F.R. §1.17(p);
- _____ After the mailing date of a final action under 37 C.F.R. §1.113, provided that this occurs prior to the issuance of a Notice of Allowance and provided that this I.D.S. is accompanied by a certification as specified in 37 C.F.R. §1.97(e) and the fee set forth in 37 C.F.R. §1.17(p); and
- _____ After the mailing date of a Notice of Allowance under 37 C.F.R. §1.311, provided that this occurs prior to or subsequent to the payment of the Issue Fee and provided that this I.D.S. is accompanied by a certification as specified in 37 C.F.R. §1.97(e) and the fee set forth in 37 C.F.R. §1.17(p).
- _____ Filing with RCE Under 37 CFR 1.114.

Cited in the attached PTO-1449 are U.S. Patent No. 5,745,036. Pursuant to the waiving of the requirement of 37 CFR 1.98 (a)(2)(i), copies of these U.S. references are not enclosed.

It should be understood that attention has been called to the references that have been deemed to be pertinent to the claimed present invention. In concluding what was pertinent, the criteria employed was considered most appropriate in light of the invention shown in the present application. However, the Examiner or others may deem some other criteria to be just as appropriate or more appropriate. Therefore, the Examiner is respectfully urged to review the listed references and to make the usual careful independent search for other prior art that may be pertinent.

Respectfully submitted,



November 12, 2003

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CUSTOMER NO.: 27623

Sheet 1 of 1

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|---|---|---|
| FORM PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary) | Docket Number (Optional) 133690 | Application Number Not Yet Assigned |
| | Applicant Kelliher, et al. | |
| | Filing Date Herewith | Group Art Unit Not Yet Assigned |

U. S. PATENT DOCUMENTS

| EXAMINER INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|---------------------|--------------------|------------|-------|-------|----------|-------------------------------|
| | 5,745,036 | 04/28/1998 | Clare | 340 | 572 | |
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FOREIGN PATENT DOCUMENTS

| | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | Translation | |
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OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, Etc.)

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| EXAMINER | DATE CONSIDERED |
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP §609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.